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First Session, 1937

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GOVERNOR OF BENGAL.

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The Hon'ble Khan Bahadur M AZIZUL HAQUE, C.I.E.

DEPUTY SPEAKER

Mr. M. ASHRAFALI.

SECRETARY TO ASSEMBLY (OFFG.)

Mr. K. ALI AZAL, Barrister-at-law

ASSISTANT SECRETARY TO ASSEMBLY (OFFG.).

MR. K. C. GHOSH

BENGAL LEGISLATIVE ASSEMBLY

ALPHABETICAL LIST OF MEMBERS.

A

Abdul Aziz, Maulvi. [Narayanganj East (Muhammadan).]
Abdul Bari, Maulvi. [Berhampore (Muhammadan).]
Abdul Hafeez, Khan Bahadur Syed [Dacca Central (Muhammadan).]
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Abdul Hafiz, Mr [Kurigram South (Muhammadan).]
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Azahar Ali, Maulvi. [Palma East (Muhammadan).]
Azizul Haque, the Hon'ble Khan Bahadur M., C.I.E. [Nadia West (Muhammadan).]

B

Banerjea, Dr. Suresh Chandra [Calcutta and Suburbs (Registered Factories).]
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Mr. Pramatha Nath. [Burdwan North-West (General).]
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Mr. Puspajit [Rangpur (General).]
Babu Shyma Prosad. [Dinajpur (General).]
Babu Upendra Nath. [Jalpaiguri cum Siliguri (General).]
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Santosh Kumar [Calcutta East (General).]
Mr. Gobindra Ch. [Midnapore East (General).]
Babu Lakshmi Narayan. [Nadia (General).]
Mr. Rasik Lal. [Jessore (General).]
Babu Surendra Nath. [Faridpur (General).]
A. P. (Bengal Chamber of Commerce.)
Sarat Chandra. [Calcutta South (General).]
Mr. F. C. [Calcutta and Suburbs (European).]

C

Chakrabarty, Babu Narendra Narayan. [Bogra *cum* Pabna (General).]
Chakrabarty, Mr. Jatindra Nath. [Rangpur (General).]
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Chaudhuri, Rai Harendra Nath. [24-Parganas Municipal (General).]
Chippendale, Mr. J W. (Anglo-Indian.)
Clark, Mr. I. A (Bengal Chamber of Commerce.)
Cooper, Mr. C. G (Indian Jute Mills Associations.)
Crosfield, Mr L. M [Chittagong Division (European).]

D

Das, Babu Mahim Chandra. [Chittagong (General).]
Das Babu Radha Nath [Hooghly North-East (General).]
Das Mr. Anukul Chandra [24-Parganas North-East (General).]
Das, Mr Kirit Bhusan [Murshidabad (General).]
Das, Mr Monomohan [Mymensingh East (General).]
Dass, Babu Debendra Nath [Birbhum (General).]
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Das Gupta, Dr. J M [Calcutta Central (General).]
Das Gupta, Mr Narendra Nath [Bakarganj South-West (General).]
Datta Mr Dhirendra Nath [Tippera (General).]
Dolui Mr Harendra Nath [Jhargram *cum* Ghatal (General).]
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Dutta Gupta, Miss Mira. [Calcutta General (Women).]
Dutta Mazumdar, Mr Nibarendu. (Barrackpore Registered Factories.)

E

Edbar Mr. Upendranath. [Bakarganj South-West (General).]
Emdadul Haque, Kazi [Kurigram North (Muhammadan).]

F

Farhad Raza Chowdhury, Mr. M. [Jangipur (Muhammadan).]
Farhat Bano Khanum, Begum. [Dacca (Muhammadan).]
Faroqui, Nawab Sir Mohiuddin, of Ratanpur.
Fazlul Huq, the Hon'ble Mr. A. K. [Patuakhali North (Muhammadan).]
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Fazlur Rahaman, Mr. [Jamalpur East (Muhammadan).]
Fazlur Rahman, Mr. [Dacca University (Muhammadan).]
Ferguson, Mr. R. H. [Rajshahi Division (European).]

G

Ghose, Babu Autul Chandra. [Jessore (General).]
Giasuddin Ahmed, Mr. [Jamalpur West (Muhammadan).]
Gyasuddni Ahmed Chowdhury, Maulvi. [Madaripur East (Muhammadan).]
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Gupta, Mr. J. N. [Railway Trade Union (Labour).]
Gurung, Mr. Damber Singh. [Darjeeling (General).]

H

[illegible] the Hon'ble K., Nawab Bahadur of Dacca. Dacca [illegible]cipal (Muhammadan).]
Chowdhury, Maulvi. [Thakurgaon (Muhammadan).]
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Chowdhury, Mr. Syed. [Tangail North (Muhammadan).]
[illegible]an, Maulvi Md. [Tippera South (Muhammadan).]
[illegible]li Khan, Khan Bahadur Maulvi. [Bakarganj North (Muhammadan).]
[illegible]rshed, Mrs. [Calcutta (Muhammadan) Women.]
[illegible]amadar, Khan Sahib. [Pirojpur South (Muhammadan).]
[illegible] David. (Bengal Chamber of Commerce.)
Mr. Probhudoyal. [Calcutta West (General).]
[illegible] M. A. Z. (Bengal Chamber of Commerce.)

I

[illegible]d Mia, Mr. [Malda South (Muhammadan).]
[illegible] Mr. M. A. H. [Calcutta South (Muhammadan).]

J

Jalaluddin Ahmed, Khan Bahadur. [Cox's Bazar (Muhammadan).]
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Jasimuddin Ahmed, Mr. [24-Parganas South (Muhammadan).]
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K

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M

Maclauchlan, Mr C S. [Calcutta and Suburbs (European).]
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Manzuddin Choudhury, Maulvi. [Baliaghat (Muhammadan).]
Maguire, Mr. L T (Anglo-Indian)
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Mahtabuddin Ahmed, Khan Bahadur [Dinajpur Central West (Muhammadan).]
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Maitra, Mr Surendra Mohan [North Bengal Municipal (General).]
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Majumdar, Mrs. Hemaprova [Dacca (General Women).]
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Masud Ali Khan Panni, Maulvi. [Tangail South (Muhammadan).]

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Mozammel Huq, Maulvi Md. [Bhola North (Muhammadan).]
Muhammad Azad, Khan Sahib Maulvi Md. [Pirojpur North (Muhammadan).]
Muhammad Ali, Khan Bahadur. [Bogra West (Muhammadan).]
Muhammad Ibrahim, Maulvi. [Noakhali North (Muhammadan).]
Muhammad Ishaque, Maulvi. [Bogra South (Muhammadan).]
Muhammad Israil, Maulvi. [Kishoreganj South (Muhammadan).]
Muhammad Siddique, Dr. Syed. [Bankura (Muhammadan).]
Muhammad Solaiman, Mr. [Barrackpore Municipal (Muhammadan).]
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Mukherji, Dr. H. C. [Calcutta *cum* Presidency Division (Indian Christian).]
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Mullick, Mr. Pulin Behary. [Howrah (General).]
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Mustaqeswal Huque, Syed. [Bagerhat (Muhammadan).]
[illegible] Ali Dewan, Mr. [Brahmanbaria North (Muhammadan).]

N

[illegible] the Hon'ble Maharaja Sris Chandra, of Kasimbazar. [illegible]idency Landholders.)
[illegible]h, Nawabzada K. [Brahmanbaria South (Muhammadan).]
[illegible] Mr. Hem Chandra. [24-Parganas South-East (General).]
[illegible] Ali, the Hon'ble Mr. Syed. [Jessore Sadar (Muhammadan).]
[illegible]in, the Hon'ble Khawaja Sir, K.C.I.E. [Calcutta North [illegible]ammadan).]
[illegible] Mr. T. B. (Indian Jute Mills Association.)
[illegible]n, Mr. K. [Hooghly *cum* Howrah Municipal (Muhammadan).]
[illegible] Mr. H. R. (Calcutta Trades Association.)

O

[illegible]r. H. E. [Dacca Division (European).]

P

Page, Mr. W. W. K. [Calcutta and Suburbs (European).]
Pain, Mr. Barada Prosanna. [Hooghly *cum* Howrah Municipal (General).]
Patton, Mr. W. C. [Darjeeling (European).]
Paul, Sir Hari Sankar, Kt. (Bengal National Chamber of Commerce.)
Pramanik, Mr. Tarnicharan. [Malda (General).]

Q

Quara Yousuf Mirza. [24-Parganas Central (Muhammadan).]

R

Rahman, Khan Bahadur A. M. L. [Rajshahi Central (Muhammadan).]
Raikat, The Hon'ble Mr. Prasanna Deb. [Jalpaiguri *cum* Siliguri (General).]
Rajibuddin Tarafdar, Maulvi. [Bogra East (Muhammadan).]
Ramizuddin Ahmed, Mr. [Tippera West (Muhammadan).]
Ray Choudhury, Mr. Birendra Kishore [Mymensingh East (General).]
Razaul Rahman Khan, Mr. [Dacca South Central (Muhammadan).]
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Roy, Babu Patiram [Khulna (General).]
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt. (Burdwan Landholders.)
Roy, Kumar Shib Shekhareswar (Rajshahi Landholders.)
Roy, Mr. Charu Chandra. [Mymensingh West (General).]
Roy, Mr. Dhananjoy. [Dacca East (General).]
Roy, Mr. Kamalkrishna [Bankura East (General).]
Roy, Mr. Kiran Sankar [Dacca West (General).]
Roy, Mr. Kishori Pati. [Jhargram *cum* Ghatal (General).]
Roy, Mr. Manmatha Nath [Howrah (General).]
Roy, Rai Bahadur Khirode Chandra. (Chittagong Landholders.)

S

Sadaruddin Ahmed, Mr. [Bakarganj South (Muhammadan).]
Safiruddin Ahmed, Haji. [Rangpur North (Muhammadan).]
Salim, Mr. S. A. [Narayanganj North (Muhammadan).]

Sanaullah, Al-Haj Maulana Dr. [Chittagong North-East (Muhammadan).]
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Som, Srijut Gour Hari. [Hoogly North-East (General).]
Studd, Mr. Eric. (Bengal Chamber of Commerce.)
Suhrawardy, the Hon'ble Mr. H. S. [24-Parganas Municipal (Muhammadan).]
Mr. Harendra Kumar [Noakhali (General).]

T

[illegible]uddin Khan, Maulvi. [Faridpur West (Muhammadan).]
[illegible]a, Rai Bahadur Mungtoolal. (Marwari Association.)
[illegible]r, Mr. Promatha Ranjan. [Faridpur (General).]
[illegible] Ahmed Choudhury, Maulvi Haji. [Bhola South (Muhammadan).]

W

[illegible] Rahman, Maulvi. [Jessore East (Muhammadan).]
[illegible]r, Mr. J. R. [Hooghly *cum* Howrah (European).]
[illegible] Mrs. Ellen. [Anglo-Indian (Women).]
[illegible]worth, Mr. W. C. (Bengal Chamber of Commerce.)

Y

Yusuf Ali Choudhury, Mr. [Faridpur East (Muhammadan).]

Z

Zahur Ahmed Choudhury, Mr. [Malda North (Muhammadan).]
Zaman, Mr. A. M. A. [Hooghly *cum* Serampore (Registered Factories) Labour.]

THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the First Session.)

Volume L.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.—

THE ASSEMBLY met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 7th of April, 1937, at 2-30 p.m.

Temporary Speaker.

Mr. Speaker (Mr. ERIC STUDD) in the Chair, the eleven Ministers and 233 elected members.

The Secretary to the Assembly announced the Speaker who then entered the Chamber in procession.

Mr. Speaker then bowed to the members and took his seat.

Mr. SPEAKER: Gentlemen, I would ask any member who had not already taken the oath to do so at the Secretary's table.

Rai HARENDRA NATH CHOUDHURY: On a point of order, Sir——

Mr. SPEAKER: I will take up your point of order after the administration of the oath.

Oaths.

The following members then made their oath or affirmation of allegiance to the Crown:—

(*1*) Dr. J. M. Das Gupta.

(*2*) Mr. Tulsi Chandra Goswami.

(*3*) Mr. Nikunja Behari Maiti.

Rai HARENDRA NATH CHOUDHURY: The only business in today's agenda is the election of Speaker and Deputy Speaker. This business of oath-taking cannot, therefore, be included in it in view of the provision under section 67 of the Government of India Act, and I submit that the Speaker has no authority under the Act to include oath-taking as the first item of today's business.

Mr. SPEAKER: The first item in the agenda is the election of Speaker, but provision has already been made for members to take the oath before Secretary. I, therefore, rule that it is perfectly in order for members, who have not already taken the oath, to do so now.

Adjournment motion.

Dr. NALINAKSHA SANYAL: Sir, I beg leave to move that this House do now adjourn to discuss a definite matter of urgent public importance, namely, the situation created by the interference of the executive authorities in connection with the jute mills' strike in the vicinity of Calcutta.

Mr. SPEAKER: The motion for adjournment of the House is as follows:—

"That the House do now adjourn to discuss a definite matter of urgent public importance, namely, the interference of the local executive authorities in connection with the jute mills' strike in the vicinity of Calcutta."

I would like to know whether any member desires to raise any

Maulvi ABDUL BARI: Sir, I beg to raise an objection to this adjournment, and my reason for doing so is that such a happening in our country almost every day, and that a situation the one referred to is being met in the ordinary way. I that an adjournment motion like this on the very first day of of the House and on a day allotted only for the election of and Deputy Speaker cannot be taken up at all.

SPEAKER: As the motion is in accordance with the Rules ding Orders, I must ask those members who are in favour of g granted to rise in their places.

bers supporting the motion then rose in their seats.)

SPEAKER: As over 50 members have risen in their places, granted.

The Hon'ble Mr. A. K. FAZLUL HUQ: I think the requisite number is 82.

Mr. JOGESH CHANDRA GUPTA: That is for a motion of no confidence which is in your head.

Mr. SPEAKER: The number is 60. I, therefore, direct that the adjournment motion shall be taken up immediately after the conclusion of the election of Deputy Speaker.

Election of Speaker of the Assembly.

Mr. SPEAKER: The following candidates have been duly nominated for the office of Speaker:—

Khan Bahadur M. Azizul Haque.

Kumar Shib Shekhareswar Roy.

Maulvi Tamizuddin Khan.

Khan Bahadur Hashem Ali Khan and Mr. P. Banerji have subsequently withdrawn their candidatures, leaving the other three candidates to contest for the Speakership.

The procedure for the election of Speaker will be as follows. Members on the west side of the House from the central gangway are requested to vote in the "Ayes" lobby and those on the other side in the "Noes" lobby. Three ballot boxes and three screens are being provided in each of these lobbies, where members can record their votes screened from observation. Each member will be given a ballot paper as he passes the *counter* in the lobby, and is requested to indicate his preference on the ballot paper by putting a cross against the name of the candidate for whom he wishes to vote. Members are requested not to sign or initial the ballot paper. The ballot boxes will be placed in the lobby after they have been locked up. Before voting commences, the division bell will be rung. When the bell stops ringing, the doors will be locked and will remain locked until voting is completed.

Voting by ballot then took place of which the following was the result:—

(1) Khan Bahadur M. Azizul Haque	...	116
(2) Kumar Shib Shekhareswar Roy	...	83
(3) Maulvi Tamizuddin Khan	...	42

2

Maulvi Tamiruddin Khan having secured the lowest number of votes was eliminated.

Voting again took place for Khan Bahadur M. Azizul Haque and Kumar Shib Shekhareswar Roy of which the following was the result:—

(1)	Khan Bahadur M. Azizul Haque	... 159
(2)	Kumar Shib Shekhareswar Roy	... 81

Khan Bahadur M. Azizul Haque was then elected as the Speaker.

Mr. SPEAKER (Mr. Eric Studd): I offer my hearty congratulation to Khan Bahadur M. Azizul Haque, and I invite him to occupy the Chair.

(The Hon'ble Khan Bahadur M. Azizul Haque then took the Chair.)

Felicitations to the duly elected Speaker.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, before you take up the remaining business of the day, permit me to offer you on behalf of my colleagues and myself the sincerest felicitations of this House on your elevation to the very exalted office of the Speaker of this Assembly. In all countries legislative assemblies have assigned, and very rightly assigned, the highest place of honour to their Speakers, ... we in Bengal realise that in you we have been able to enlist ... of one who is eminently fitted by nature and education ... those traditions of dignity and honour which have so long ... nted with the office to which you have been elected to-day.

... Sir, it is a matter of natural pride that you, whom I met ... so as an unknown student in one of the Calcutta hostels, ... step by step by dint of sheer merit to some of the highest ... he gift of the Crown—and today the highest office in the ... members of the Legislative Assembly. (Hear! hear!) It ... ur which you fully deserve, and I have not the slightest ... you will be able to conduct the proceedings of this House ... er consonant with its dignity and with an impartial eye to ... ive claims of all parties in the House and that you will be ... l to the lustre of the office by your conduct as the Speaker ... use. Sir, I do not wish to take up the time of this House ... e words, but let me assure you that in the discharge of the ... ties of your office you will always find the members of this ... eady to co-operate with you and to render you the utmost ... lp and assistance.

We pray to Almighty God to give you strength and wisdom to carry on the duties of your office successfully and with reputation to this House and with reputation to yourself. (Hear! hear!)

Mr. SARAT CHANDRA BOSE: Sir, on behalf of the Congress Party in this House, I offer you our sincerest congratulations on your election as Speaker. We have known you—most of us have known you—for a considerable number of years. We have occupied benches opposite to one another in the past and we know that if you had to sit in the body of this House, you and we would have occupied benches opposite to one another. But at the same time we do know you, and knowing you as we do, we feel assured that you will shed your party character completely and that such gifts as you possess—and they are not inconsiderable—will be not at the service of any particular party, but at the service of the whole House and of the province.

Mr. Speaker, you are well aware—and I am sure members of this House are well aware—that we on this side of the House have not come here for the purpose of acquiescing in the new Constitution (Hear! hear!) We have made it clear that we have come within the walls of this Chamber in order to do what we can to combat the Constitution and to end it, if possible. (Hear! hear!) We propose to carry on our work in this Assembly with that object in view, never forgetting for one single moment that it is up to us as members of the Congress Party in this House to do all that lies in our power to bring the present Constitution to a speedy termination. In that work we do not ask you—we do not expect of you—and I may add, it would not be right to ask or to expect of you to take sides with us; but this we expect, that you will hold the scales even and that when the time comes to write an account of your Speakership, it will be said of you that you have assisted all parties, irrespective of their political complexion, in the discharge of their respective duties in this House.

Mr. Speaker, I can assure you that, so far as the members of the Congress Party are concerned, they will never make any compromise with crime, they will not indulge in any bait, bluff or bribery. We desire to keep before us at all times and at all places the high ideals of the Congress and in that work, as I have said before, I do not expect your assistance. But, on behalf of my party, I certainly expect you to give your rulings in a manner which shall be consistent with justice and fair-play. More than this I do not ask of you; less than this I do not expect of you. (Applause.)

Babu JATINDRA NATH BASU: Sir, on behalf of the members on this side of the House, I convey to you our hearty congratulation on your election to the Chair of this Assembly. With your abilities and experience of the legislature, which has just ceased to exist, you have

established for yourself a claim to occupy the Chair that you now occupy. The public are confident that in the discharge of the duties of your exalted office you will hold the scales even, and with the fund of patience that you possess you will have the conduct of affairs of this House carried on in a manner which will shed lustre on this House and on yourself.

Mr. M. SHAMSUDDIN AHMED: Sir, on behalf of the Krishak-Proja Party, I offer you our hearty congratulations on your election as the Speaker of this House. As has already been said by the Chief Minister, you have attained the highest position stage by stage. I take pride in the fact also that you belong to the same district that I belong to and that at the time when you took the position of a Minister you know how the district gave you a hearty reception in spite of the difference of opinion amongst the people themselves. We hope that now that you have attained the highest position as Speaker of this House, you will conduct the deliberations of the House and give your rulings in a way as will redound to your position. With these words, Sir, I offer you our heartfelt felicitations for the position you have attained.

Mr. ERIC STUDD: Sir, on behalf of the European Group I offer you our sincerest congratulations and good wishes on your election to the high office of Speaker of this Assembly. Following a line of distinguished predecessors, we feel confident that you will add to the ... which they have already given to the high office which you ... Occupying the position which you now hold for a few ... I have seen something of the arduous nature of the duties ... yours. Perhaps your duties will be even more arduous than ... our predecessors, for in your hands will largely lie the shaping ... cedure of this new constitutional body and thereby guiding ... ting with dignity the deliberations of this House. In discharging those duties I wish to assure you, Sir, that you can always ... on the fullest support and the heartiest co-operation of the ... Group.

SIR HARENDU DATTA-MAZUMDAR: Sir, on behalf of the Parliamentary Peasant and Labour Party, allow me to offer ... congratulations on your election as Speaker. I am the first ... the wish of the elected representatives of Labour in this ... the first time. Here I speak representing the electorates ... e not been divided into Hindus and Moslems, but represent ... st of the toilers of this country, Hindus and Mussalmans com... he Peasant and Labour Party stands always for the principle

of representing the demands, grievances and aspirations of the toilers of this land. I fully associate myself with the Leader of the Congress Parliamentary Party in the House that we work in common to end this Constitution and not to work it. By electing you as the Speaker we have placed our trust and confidence in you. I am sure you will have to face many a trial and conflict between the will of the autocracy and the will of the elected body of this country for all that it is worth today, and in that trial I am sure you will look to the traditions of the Parliaments and democracies of the world and take your stand, if need be, to vindicate the wish of the elected body of representatives rather than stoop to the will of autocracy. With these remarks, I associate myself fully with the views expressed by the Leader of the Congress Party in this House; and I may say that in the discharge of your duties we shall look up to you to give full opportunity to express the views of the poorest in the land. In this House of 250 members there are only eight solitary men representing Labour, representing Hindus and Muslims combined; and I trust, Sir, that you as the Speaker of this House will rise to the height of the opportunities in ensuring full freedom and full rights to those who represent the minorities, because behind the smallest group in the House stand united the vast masses in this country. It is fortunate that we have got a Prime Minister committed to the demands of the vast masses of the country to programme of fight for bread and freedom and we hope that the Prime Minister in this House will make common cause with the masses and the representatives of the masses.

Sir, I again offer you my sincerest congratulations on behalf of the Parliamentary Peasant and Labour Party.

Maulvi TAMIZUDDIN KHAN: Sir, I feel it my duty to say a few words in offering you my heartiest congratulations on your election as the first Speaker of the newly constituted Bengal Legislative Assembly. I have no doubt that you will fully justify the confidence that the House has placed in you and that you will discharge the duties of your responsible office in accordance with strict principles of fairness and justice. Sir, I again offer you my felicitations and in doing so I assure you of the full co-operation and support of myself and my friends in the discharge of your duties.

Dr. SANA'ULLAH: Sir, on behalf of myself and the Ulema Group I offer you our heartiest congratulations on your election to the highest office of this elected Assembly. I am very happy because you are a nominee of the Jumait-ul-Ulema and recommended by Hazrat Abu Bakar. So I hope you will discharge your duties evenhandedly. Sir, we Ulemas number about a dozen in this House. But although small

in number I can assure you that we shall always support you in the discharge of your arduous task. With these few words, I again offer you our sincerest felicitations.

Mr. SPEAKER: Ladies and gentlemen, I thank you very much for your electing me as the first Speaker of this House and for the very kind and cordial words that the leaders have spoken about myself. My feelings are now deep, and language often fails when the heart wants to speak. If I falter or fail fully to give expression to the sentiments that are uppermost in my mind for the time being, I realise fully the responsible nature of my work and I believe that sense of responsibility will always generate in me the sense of duty that it correspondingly casts upon myself. I can assure the Leader of the House, the leaders of the different groups and, particularly, my friend, the Leader of the Opposition, that so long as I remain here to discharge this duty I will try my best to be honest to the House, honest to the cause of the country, honest to the different groups and above all, honest to the duty entrusted to me.

I am deeply conscious of the remarks of my friend, Mr. Eric Studd, that the future shaping of the Constitution will so much depend upon the way the business of the House is conducted. To-day is the beginning of a new history and probably years after, the history will be written as to how we began. But this much I will certainly say that I will never consciously do anything of which the historian may probably say that it was a breach of responsibility. I can assure you that so long [illegible] this Chair, I will never consciously do or be party to anything [illegible] cause a feeling of injustice to rankle in the mind of anyone. [illegible] and gentlemen, I again thank you; I would only plead that [illegible] ive me the necessary help in the discharge of my duties, for [illegible] igh and exalted the position of my office may be, however [illegible] the nature of this duty be, unless the House give me the [illegible] help I may be quite helpless. I therefore appeal to you and [illegible] co-operation and help so that I might prove myself a true [illegible] this House. (Applause.)

Election of Deputy Speaker of the Assembly.

[illegible] now proceed to the election of the Deputy Speaker of the [illegible]

[illegible] lowing candidates have been duly nominated for the office of [illegible] Speaker:—

[illegible]r. Abdul Majid.

[illegible]r. Ashrafali Khan Chowdhury.

[illegible]r. L. T. Maguire.

[illegible]r. Pulin Behary Mullick.

Voting by ballot then took place of which the following was the result:—

Mr. SPEAKER: The result of the ballot is as follows:—

Mr. Abdul Majid	53
Mr. L. T. Maguire	10
Mr. Pulin Behary Mullick	53
Mr. Ashrafali Khan Chowdhury	64

Nobody has got absolute majority; therefore Mr. Maguire will be excluded from the second ballotting.

The prayer for adjournment will be about 6-20, but I think it will be convenient to the House if it is adjourned now and meets at 6-30.

The House stands adjourned for 15 minutes.

(After Adjournment.)

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, there is a question in the House whether we are going to finish the business for which we have been summoned. The summons runs thus: "That the election of the Deputy Speaker of the Bengal Legislative Assembly will be held as soon as may be after the election of the Speaker." So it would appear that we have been summoned for this particular business and that we must finish by to-day.

Mr. SPEAKER: I have here an intimation from the Governor to prolong the sitting of the Assembly till to-morrow. So the Assembly will meet to-morrow at 3 p.m. I adjourn the House to 3 p.m. to-morrow.

Adjournment.

The Assembly was then adjourned till 3 p.m. on Thursday, the 8th April, 1937, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Council Chamber in the Council House, Calcutta, on Thursday, the 8th April, 1937, at 3 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE) in the Chair, the eleven Hon'ble Ministers and 232 elected members.

Mr. SYED JALAUDDIN HASHEMY: I gave notice of an adjournment motion yesterday but that was disallowed. I have not got anything in writing. May I know the reason for disallowing that motion and may I know whether that has been included in the proceedings or not?

Mr. SPEAKER: I am not aware of anything regarding it as Mr. Eric Studd was the temporary Speaker yesterday. He is present here and probably he might be able to give you the reason.

Mr. ERIC STUDD: Sir, his was the first adjournment motion. I [illegible] that it did not comply with the rules. For that reason I did [illegible] my consent to it.

[illegible] SPEAKER: You now know the circumstances under which [illegible]nment motion was disallowed. The House will now proceed [illegible]tion of the Deputy Speaker.

[illegible] C. GUPTA: I rise to a point of order.

[illegible] SPEAKER: You please do that after the ringing of the bell

(After the bell ceased ringing.)

[illegible] C. GUPTA: My point of order is this. There has not been [illegible]ppointment of Sir John Anderson as the Governor of Bengal. [illegible]re aware that under the Act of 1919 the Governor was [illegible]by a Warrant but under the Act of 1935 the Governor has to [illegible]d by a Commission. We find in the *Gazette of India* that [illegible]ssion appointing His Excellency Lord Linlithgow and the [illegible] of Instructions had been published, but looking at the

Calcutta Gazette of the 1st April, 1937, we find that only the Warrant has been published. There is no Commission appointing Sir John Anderson as the Governor (Mr. P. BANERJEE: His Excellency Sir John Anderson)—I beg your pardon because I find there is no valid appointment—therefore I mention Sir John Anderson only without the prefix "His Excellency." Under such circumstances the appointments made by him, the nomination of the Speaker and the rules governing the conduct of this Assembly promulgated by the Governor are all *ultra vires*. Under these circumstances the summons issued to the members of this House is not in order because he is not a validly appointed Governor. I, therefore, submit that it would be waste of public time and money to continue the proceedings in an invalid Assembly where all our acts will be illegal and *ultra vires*. If any other reference to the Act is necessary I have got the references to the Act. I refer first of all to section 46(1). Then under 1935 Act section 48(1) the appointment is different and the Governor is appointed by a Commission. The appointment of the Commander in Chief and the Judges, etc., is by Warrant but the appointment of the Governor General and the Governors of the various Provinces must be by a Commission. The 1919 Act was only in force up till the 1st of April, 1937. Presumably in every province the Governor has been appointed by Commission which has been duly gazetted but the *Calcutta Gazette* shows that there is no Commission appointing Sir John Anderson and no oath has also been taken. After the gazetting of the Commission the Governor on the 1st of April in order to function has got to take oath either before the Hon'ble Chief Justice or one of His Majesty's Judges. With regard to the taking of the oath I will give you the section later (clause III of the Instrument of Instructions to the Governor) but the Commission has got to be published (see clause II of the Instructions). The Commission has not been published as has been done in the case of the Governor General in the *India Gazette*. I may mention here that as regards the appointments of Governors of all the Dominions beyond the Letters Patent, a Commission is issued for their appointment and that Commission has got to be duly published. It will not do only to receive the Commission of appointment but that has got to be notified just as it has been notified in the case of the Governor General of India. Under these circumstances I submit that the House not being validly summoned, the appointment of the temporary Speaker not being validly done and the election that has taken place not being valid, all the proceedings will be *ultra vires*.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, I do not think that there is anything in this point of order. There can be a *de facto* Governor and a *de jure* Governor—

Mr. ABDUR RAHMAN SIDDIQI: Can a point of order be a subject of debate?

Mr. SANTOSH KUMAR BASU: I may be permitted to state my views on the subject. You will find that it was decided long long ago that a Government could be a *de facto* Government or a *de jure* Government just as a Governor can be a *de facto* Governor or a *de jure* Governor. I take it that even if the Royal Commission has not been published there is a Commission in existence and the Governor is functioning as the Governor. I do say that he is functioning very much as a Governor and there are public acts of the Governor and there are those benign influences of the Governor behind the scenes which make him a *de facto* Governor. In the carrying on of the administration of this country as well as in conducting the proceedings of this House, some benign influences behind the scenes are also exercised by the Governor as such. He is the *de facto* Governor——.

Mr. SPEAKER: I cannot allow the Governor to be criticised in this way.

Mr. SANTOSH KUMAR BASU: I am not criticising him at all. What I say is that he is very much of a *de facto* Governor.

Mr. SPEAKER: The Hon'ble Sir Nazimuddin may like to speak.

Mr. SARAT CHANDRA BOSE: The Minister possibly needs some instructions before he speaks.

Hon'ble Sir NAZIMUDDIN: I cannot speak offhand on this ... I will explain the position later. (Cries of "Hear! hear!" Congress Benches.)

SARAT CHANDRA BOSE: I expected so.

MANMATHA NATH ROY: On a point of order, Sir. Is it member who did not attend the House yesterday to take part ... ballot? To-day's ballot is only a continuation of yesterday's ...s. Sir, will you please enquire if anyone who was not ...re yesterday is present here to-day and prevent him from ...rt in to-day's ballotting?

SPEAKER: My decision is that it is fully open to a member ...nt on the first day and be present on the second. Yesterday ... who might have been absent in the first ballot could be ... the second.

As regards the point of order raised by Mr. Gupta I propose to take it up after the prayer interval and particularly because this is a point which was not raised at the beginning of the proceedings but in the midst of it. It is only fair that in view of the importance of the question raised a decision should be given after going through the relevant references. As the Assembly is not coming to an end immediately, I propose to give a decision later on. In the meantime the House will proceed to do the ballotting of the election of the Deputy Speaker. I may remind the House that there are three candidates left, namely, Mr. Abdul Majid, Mr. Ashrafali Khan Chowdhury and Mr. Pulin Behary Mullick.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, are we to understand that the Hon'ble the Home Minister is not aware how a Governor is appointed under the Act?

Mr. SPEAKER: That question does not arise.

Babu BARADA PROSANNA PAIN: How many times the House will be adjourned for prayer?

Mr. SPEAKER: By practice and convention it is once adjourned for prayer at about 4-30 and again for the evening prayer.

Mr. SURENDRA MOHAN MAITRA: May I enquire whether the House will be adjourned at 5 p.m. to-day on account of "Gangasnan" to-day? (Laughter.)

Mr. SPEAKER: I will be very glad to consider this point but for the time being the ballot will proceed.

Voting was then resumed for the election of the Deputy Speaker.

Mr. SPEAKER: The result of the second ballot is as follows:—

Mr. Ashrafali Khan Chowdhury	68
Mr. Pulin Behary Mullick	60
Mr. Abdul Majid	49

Under the rules Mr. Majid's name will be eliminated.

The House will now proceed to ballot between Mr. Ashrafali Khan Chowdhury and Mr. Pulin Behary Mullick.

Voting was resumed.

Mr. SPEAKER: Order, order. The result of the last ballot is as follows:—

Mr. Ashrafali Khan Chowdhury	...	125
Mr. Pulin Behary Mullick	...	61

Mr. Ashrafali Khan Chowdhury is, therefore, elected to be the Deputy Speaker of this Assembly. (Cheers.)

Mr. SPEAKER: As it is now past 4-30 p.m., I shall adjourn the House for 15 minutes for prayer.

The Assembly was then adjourned for 15 minutes.

(After adjournment.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, when Mr. Gupta raised his point of order, I asked for time in order to make sure of my facts before challenging the veracity of the statement of the hon'ble member. Just now I am in a position to state definitely that the Governors who were in office before the introduction of the new constitution were neither appointed by Commission nor did they take any oath, and that is the justification, as far as the point of order is concerned, under section 321, of those Governors who were in office to continue to be in office, and no Commission nor any fresh oath is necessary.

SPEAKER: A point of order has been raised in this House ng the validity of the appointment of the Governor under rnment of India Act. I have very carefully gone through the Instrument of Instructions and the different sections of the nt of India Act. Proviso (*b*) of section 321 of the Govern- India Act lays down that "without prejudice to any other of this Act, to the provisions of the Government of Burma , and to the provisions of the Interpretation Act, 1889, o the effect of repeals, this repeal shall not affect any nt made under any enactment so repealed to any office, and appointment shall have effect as if it were an appointment to sponding office under this Act or the Government of Burma My attention has also been drawn to the fact that under ument of Instructions which was published in the *Calcutta* he Commission should be published and also read in the of the Chief Justice for the time being. I may draw the of the House to section 53 (2) of the Government of India lays down that the validity of anything done by the Governor nce shall not be called in question on the ground that it was

does otherwise than in accordance with any Instrument of Instructions issued to him. I therefore decide that the point of order raised is not valid and that this House is legally constituted.

The House will now discuss the motion for adjournment.

Motion for adjournment.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I move that the House be now adjourned to discuss a definite matter of urgent public importance, viz., the interference of the local executive authorities in connection with the Jute Mills strike in the vicinity of Calcutta. It is unfortunate that at the very commencement of the business of this Assembly and with the inauguration of the much vaunted provincial autonomy under the new regime, I should have the unpleasant duty of bringing in this adjournment motion but this is the only way in which the attention of the House could be drawn to a matter of grave and incalculable concern to the public of Bengal, particularly to the large section of labouring population around this big city. It is surely a pathetic instance of tragic irony that within a few miles of this House there should take place incidents which would deny a very large number of our countrymen the elementary rights of citizenship and the ordinary privilege of existence. This is happening under the aegis of what is euphemistically called provincial autonomy. That there should remain hundreds of our brethren steeped in poverty and in utter destitution, that there should be people whose cause would not move the hearts of the Government is an irony to which I would like to draw your attention through this motion. What becomes of the official claim of constitutional advancement if in the new order of things the same familiar evils continue to happen? That is the thing to which I would like to draw your attention. If capitalist exploitation remains, if the rights of the people are trampled under foot, if labour lives in constant peril——

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I rise to object to the manner in which the hon'ble member is infringing the elementary rules which should guide the discussion of a motion of this kind. It is evident that the discussion must be relevant to the point at issue and and if my friend is discussing a situation, there can be no objection to that, but if my friend is straying into the fields of exploitation by foreigners, it is to that I object, because the rules have been infringed. (A VOICE: What is your point?) My point is that the discussion should be relevant to the point at issue. I draw the attention of the Speaker to the fact that the remarks of my friend are irrelevant.

Dr. NALINAKSHA SANYAL: The Speaker is there to watch if I am not relevant. The Chief Minister need not assume the Speaker's role.

Mr. SPEAKER: Dr. Sanyal, please go on.

Dr. NALINAKSHA SANYAL: Sir, the matter to which I wanted to draw your attention is as definite as the law requires and as much urgent as one can conceive and it is of the greatest public importance. It is definite in so far as we want to raise through this motion a discussion on the question of interference by the local executive authorities. This iftereference has been caused by the promulgation of various kinds of order, to which I will just come, under section 144 of the Criminal Procedure Code. The importance of the subject matter would be evident from the fact that nearly 80,000 men have been involved in the strike. The area affected is very wide and far flung. It ifcludes Budge Budge, the entire Uluberia subdivision, some parts of Hooghly district, Belliaghatta and the Barrackpore subdivision. The instances of official interference are too many. I will just take a few typical examples. I might at this stage state that the objective of section 144, I am afraid, has been very much misunderstood by the executive authorities who have promulgated these orders. So far as my humble knowledge of law goes, I understand that this section empowers the local executive authorities just to take certain *ad interim* steps with a view to protect [illegible] and property of the people and to allow such time to elapse [illegible] which other ordinary legal proceedings can be put in operation. [illegible] it was never in the contemplation of the framers of this section [illegible] wide powers should be assumed by the executive under the [illegible] this section to take away the privileges of citizens wantonly [illegible] manner they pleased. Certainly the framers of this section [illegible] conceive that people would be denied their elementary right of [illegible] their elementary privilege of moving from one place to [illegible] their elementary right to speak at public meetings and the [illegible] der this section orders of various kinds have been issued in [illegible] ese areas—orders, some specimen of which I carry with me, [illegible] issued directing that a certain area should be so declared that [illegible] meeting of any kind could be held there, far from having a [illegible] furtherance of the strike. In Howrah district, near about [illegible] f Howrah, I understand that orders have been issued prohibit[illegible]inds of procession and public meeting. This is an absurd [illegible] we have been put to by the use of section 144, Criminal Pro[illegible]de. There have been cases in which the hon'ble members of [illegible] House have been excluded from their own constituencies by [illegible] f this power. There has been a case in which our friend

Mr. Niharendu Dutta-Mazumdar has been excluded from his constituency of Barrackpore. There has been a case in which one member, whose absence we deeply regret, an absence under circumstances for which we on this side of the House at any rate do fully sympathise with him, I mean Dr. Suresh Chandra Banerji, has been served with a notice not to enter into some parts of his own constituency. There has been a case in which another member, the President of the All-India Trade Union Congress, and a member of this Assembly, Mr. Sibnath Banerjee, has been excluded from his area. I understand, Sir, that some time ago the High Court of Judicature found that under section 144 persons could be prevented from entering an area, but the Hon'ble the Judges did not then think that Magistrates could assume power to exclude any person from an area if he was already there. Under the operation of this section Mr. Sudhindra Nath Pramanik, who is the General Secretary of the Jute Mills Strike Committee, has been ordered to quit his place of residence—a place at which he is registered as a voter of this Assembly. Such things have been taking place. Under these orders it is provided that, temporarily, the local executives might assume authority extending to a period of at most two months to take such steps for the maintenance of peace—at least for the prevention of any untoward occurrence. Unfortunately, there have been occasions where the same person has been served over and over again with a notice, the net effect of which has been that for nearly one year now he has been denied the privilege of going to a particular place. This has been with regard to Mr. Phanindra Nath Ghosh, the Working Secretary of the Jute Workers' Union. Such wanton use of section 144 has well-nigh made it impossible for Labour to give expression to its real demands and to organize itself legally and peacefully on lines on which it would like to develop. These orders have not only been extended over Labour workers, labourers and Labour leaders, but in some instances such orders have also been served upon those who are Congressmen, who have not had any direct concern with any labour movement, although some of them obviously had, and all of them under the Congress resolution are to have, sympathy with Labour. It is, Sir, with a view to draw your attention to the official interference that this adjournment motion has been moved. It is not our intention—it is not at any rate my intention—to use this opportunity at the very start of business of this Assembly to force the members of this House, who have now chosen to accept office, and to go over to the Government side, to force them to accept this motion as a vote of confidence or of no confidence. We would only draw attention to cases that had been happening and say that the same old order continues; and if the same order continues under a different cloak, what justification can we have in having the Reforms of which we have heard so much? The interference, that I have just given you instances of, appears to be part of an organised general policy of Government. It is not merely one solitary incident, one solitary instance

of interference in a particular case and at a particular place, where the circumstances demanded such interference. There have been interference anywhere and everywhere where the Peasantry and Labour have tried to organize themselves.

(At this stage the member reached his time-limit.)

Mr. SPEAKER: Dr. Sanyal, your time is up. Under section 199 (2), in connexion with a debate on an adjournment motion the discussion, if not earlier concluded, shall automatically terminate at the end of two hours, and the speeches delivered on that occasion shall not exceed 15 minutes each.

Dr. NALINAKSHA SANYAL: There is, also, another provision, Sir, namely section 23, which says that the mover of a motion can speak for 30 minutes.

Mr. SPEAKER: That relates to resolutions on matters of public interest. Although there may be this general provision, yet in the specific case of adjournment motions it has been specifically provided that no single speech shall exceed 15 minutes in duration. If however you want one or two minutes more, I am prepared to give you that time.

Dr. NALINAKSHA SANYAL: Sir, I should just like to have only two minutes more to finish my speech.

I would just conclude with an appeal to the Chief Minister and the ... Let us take it that political freedom can have no meaning ... exploitation of the masses does not cease. As my friends on ... of the House have declared, and as indeed has been declared ... Karachi Resolution of the Indian National Congress, political ... must accompany economic freedom for the masses. To that ... spect Government to give a guarantee. The new Government, ... with a new outlook, would proceed to discuss business on those ... if at the end the exploitation of the masses can be ended, then ... alone can we have any justification for having the Reforms, ... alone, Sir, can the people of this country and the responsible ... have the slightest justification in accepting and retaining office.

JALAUDDIN HASHEMY: Mr. Speaker, Sir, to-day ... I must frankly confess that though an active member ... labour organisation in Bengal, yet on account of preoccupations ... tic affairs, I had no mind to actively participate in the affairs ... labour organization. Sir, you will be surprised to know, Dr. ... might have forgotten to mention this, that even a person like

myself, who was not at all actively participating in the labour movement at present, was debarred from moving freely in the district of the 24-Parganas. Sir, you will be surprised to know also that on the only one day that I was forced by my conscience to go to Budge Budge to address a public meeting there—and the Hon'ble Minister in charge of Law and Order, if he has got his records with him will bear me out that I made a very conciliatory speech there—even on such a mild occasion was I interfered with. I might add that officers of Government were present there and took down every word, every syllable, that I uttered at Budge Budge. But the next day, when I was proceeding from Budge Budge to Calcutta, I was detained at Lungi, a place 9 miles from Budge Budge, and I was served with a notice under section 144, Cr.P.C. Sir, if Mr. Blair were present here he could bear me out that I conducted one very big strike at Budge Budge for a period of more than two months. There was no complaint from the police—from the Superintendent of Police of the 24-Parganas—against me, and I conducted it peacefully. It would have been proper, Sir, for the District Magistrate of the 24-Parganas, or the Superintendent of Police of the 24-Parganas, first to inquire of me what attitude I was going to take with regard to these strikes. What earthly reason can there be to serve a notice on me? I can understand the mentality of the capitalist, I can understand the mentality of the management of the jute mills in the suburbs, but, Sir, I fail to understand the mentality of the police—particularly of the police of the 24-Parganas. Sir, what happened with me? And what did I do? I was driving in a car. The car was stopped at Lungi all on a sudden, and I was served with a notice that I could not proceed any further without asking me what I was going to do. I might have been out on a joy-ride, Sir, or on any other business. As a free man, Sir, I was driving to have some free air by the side of the Ganges. You can well imagine, Sir, the condition in which we are living at present in this country. I would ask and I would submit respectfully to the Hon'ble Minister in charge of Law and Order to inquire into the allegation that I am placing on the floor of this House with regard to the conduct of the police. Sir, I was not even given time to explain my conduct,—the position I am in. Certainly, Sir, my association with the labour movement in Budge Budge and the suburbs of Calcutta does not imply that if a man proceeded to Budge Budge he would be doing mischief and violate law and distrub order. Sir, it was published in the newspapers that an order under section 144, Cr.P.C., had been served on Mr. Hashemy, in consequence, my life was made miserable, and I received appeals from all quarters, including my relatives, not to break the law or to go against public peace. I have already said, Sir, that on account of the strain that I had had to undergo during the last elections I definitely decided not to participate actively in any labour movement for some time to come. In spite of the speech I made at Budge Budge, a report of which was

taken by the police and it was certainly submitted to the Superintendent of Police, and, possibly, might even have gone to the Minister in charge of Police—in spite of all this, Sir, what earthly reason can there be, what justification can there be, to issue a notice upon me—temporarily a law-abiding citizen? (Laughter). I appeal to you, Sir, and, through you, to my colleagues to come forward and help in putting an end to this sort of police vagaries and wanton injustice on people who are really trying to do justice to these poor people the labourers. And, Sir, what may be the ambition of these poor people? The "ambition" of those poor fellows is to get a wage of one rupee and four annas, or one rupee, or twelve annas, a day. They want *dal bhat*, and nothing else, —nothing better than *dal bhat*—only to live and only to save their lives they want the necessaries of life. If you inquire, you will come to know the treatment that is meted out to them by the management of the jute-mill owners. I know that because I have got serious experience of these sorts of treatment. The poor fellows are not ambitious. There is no security of service for them, they are exposed to the whims of the management. They go on starving and are dismissed and fined. The only protection that they have got is under the Trade Unions Act, but they have no protection from the police, the Government, or the management of the jute-mills. I have no complaint or grievance against the management, because they are out for exploitation; but I have got a definite complaint against the action of the police. With these words, Sir, I would submit that every member of this House will agree with me that in this particular case the police have violated all principles of fair-play, justice, and equity.

SIBNATH BANERJEE: In supporting the adjournment I would like to give some more details. The previous speakers ready given some, and I propose to add to it. Sir, the name of osh Chandra Banerjee has already been mentioned. He was a dumb man because in connection with a case he was then and could not, therefore, address any meeting. He, however, to go to his constituency at Budge Budge, because the people re in trouble. This was also denied to him. I have not been area for the last two years, but still an order was served on me ould not go to that place. Then there were three others who ents of that place and who were also served with similar orders. an instance, I may mention the name of Suresh Paramanic, ame has already been referred to by previous speakers. I have that the order applying section 144 and thereby externing a normally resides in the locality is not legal——(A VOICE: d you expect a legal order from the police?) No, it was not from e, but from the Magistrate. At Bhadreswar, Rajani Babu distribute some leaflets when the police arrested and detained

him in the thana for two hours. He insisted on either being served with an order preventing him from distributing the leaflets or with an order for prosecution. Then there was a telephonic communication with the headquarters after which he was told that he could go and the handbills were also given back to him. When he came out of the thana, he began distributing the leaflets again. This is one instance to show to what length the police can go by promulgating an order under section 144. Then, Sir, I would also mention the case of Mr. A. M. A. Zaman, a member of this Assembly. He has been prevented from going to his own constituency in the Hooghly district. Mr. Sanyal has said that I was externed from Howrah. I was not actually externed, but thoroughly gagged at Howrah because I was prevented from addressing any meeting. I was, however, externed from Barrackpore, Budge Budge, and was served with an order of the Magistrate of Howrah preventing me from addressing any meeting there, because under section 144 it was impossible for five men to meet together. Only day before yesterday some of the workers came from Shamganj and Budge Budge to wait on deputation on the Prime Minister, but at about 11 o'clock they were asked to go back to their respective places. About three hundred men coming from Rajganj went as far as the Howrah Bridge. There they found that the bridge was open. What happened then? The Calcutta Police would not allow them to remain in Calcutta, and the Howrah Police would not allow them to go over there. So, they were in a dangerous predicament. (A voice: What about their drowning in the Ganges?) What they wanted was shelter, and they welcomed arrest and detention in the thana. But the police did nothing of the kind, and their attitude was one of non-co-operation.

Then there was the case of Mr. Deben Sen, Secretary of the Budge Budge Jute Workers' Union. He was also externed from the place. I know I would be boring you by quoting names and instances, but I cannot help doing so to some extent. Sir, the police wanted to restrain the movement of Kalidas Bhattacharya, a resident of Bhatpara. But as section 144 would not be applicable in his case, the following order was served on him, namely, that Kalidas Bhattacharya shall, for a period of 48 hours from the service upon him of this order, remain within the premises and compound of his residence and shall not leave the aforesaid premises and the compound of his aforesaid residence during that period, and shall, during the same period of 48 hours of the service of this order, abstain from communicating, or having intercourse of any sort, with the object of making the organisation of the *hartal* successful, and shall abstain from receiving visitors at his aforesaid residence, that is, persons who are not related to him and persons unconnected with his illness and having no domestic reason to meet him. So, for 48 hours he was a prisoner in his own house, and all this happened under the provisions of the Bengal Public Securities

Act. This friend of mine came to me and incidentally said: "Well, you have become a member of the Assembly. Why don't you ask for an assurance by which the public may have some security against the police preventing them to pass such illegal orders at their sweet will." Sir, I shall now cite the case of Abdul Kader, Secretary, Jute Workers' Union, Bauria. The mill authorities there arrested him—I do not know under what authority they could do so—dragged him inside the mill premises, beat him mercilessly and then took him off in a ferry boat and sent him across the river to Budge Budge. Just now I have got another piece of information from Bauria about the assault on workers by the Gurkha durwans of the local mills——.

Mr. SPEAKER: I think you are not quite relevant on the point at issue. The subject matter of the adjournment motion is the interference by the local executive authorities in the jute mills' strike. That being so, the instances you are now citing are not strictly relevant unless you can prove that the executive had some hand in the matter.

Mr. SIBNATH BANERJEE: I am just coming to that, Sir. First of all, the Gurkha durwans beat the workers and then when the villagers came to their rescue, they came along with police constables. They thought it would be better to be in the company of the police. So they came along with them, entered the houses of the villagers and beat them there. That is the report I have got just now, and that has also been corroborated by other responsible members of that union. As regards the case of Abdul Kader, we made a representation to the Superintendent of Police, Howrah, saying as this was a cognizable offence, he must take necessary action. But I am not aware if any action has been taken against him.

Being emboldened by the inaction of the police, a second incident has taken place. About 25 Gurkha durwans along with six constables and a European officer of a jute mill attacked the workers and beat them. This is how things are going on on account of the acts of commission and omission on the part of the police——.

Mr. SPEAKER: Acts of omission do not come within the purview of reference.

Mr. SIBNATH BANERJEE: But it comes under commission.

Mr. SPEAKER: What I mean to say is that acts of omission on the part of the executives or the police have nothing to do with the adjournment motion we are now discussing.

Mr. SIBNATH BANERJEE: All right, Sir. I bow to your ruling. The promulgation of an order under section 144 not only prevents the strikers from holding any meeting, but it also takes away the right of the registered trade unions to assemble for that purpose. No meeting could be held at Howrah even in connection with the municipal by-election. Whenever section 144 is enforced in a certain locality, it is said that there is apprehension of a breach of the peace. I want to ask you, Mr. Speaker, and through you, the police and the executive, whether there has been any breach of the peace in any affected areas either by the strikers or by the workers in general? There has been no looting, nor burning of houses and property of have-alls nor any disturbance of any sort. For what earthly reason was then section 144 promulgated? Let it be remembered that this section 144 is now in force in all the areas where there are strikes, namely, the whole of Howrah and Bally Municipalities, Uluberia, Sankrail, Panchla, Budge Budge, Barrackpore, and Serampore, and nobody can hold any meeting there for any purpose. As I have already said, section 144 is meant to be applied only when there is an apprehension of breach of the peace, but it is my firm conviction that it is intended to be applied only for the purpose of preventing the spread of a strike or for breaking it. Sir, I want to make it absolutely clear that the strike is a constitutional weapon in the hands of workers about which even highly placed responsible officers of the Calcutta Police have no clear idea. Only day before yesterday, a Deputy Commissioner of the Calcutta Police was telling me that when we were trying to lead a deputation to the Chief Minister, we were acting quite constitutionally, but we were not doing so in organising a strike. That is the sort of idea that a Deputy Commissioner of the Calcutta Police has about things constitutional. I submit that a strike is a constitutional weapon not only in the hands of registered trade unions but also in the hands of every worker when he feels that the wages that are given to him are not adequate, and when he wants better prospects. (A VOICE: Have we yet established this on this side of the Suez Canal?)

Sir, nobody desires to have strikes. A strike is not a happy thing. It is really very painful for a poor worker to leave his work and thus lose the poor wages he earns. A strike is resorted to only when workers find no other remedy for the redress of their grievances, and only when they are driven to desperation. Sir, I can assure the House that the strikes have been absolutely spontaneous everywhere—at Budge Budge, at Sibpur, at Chengail and elsewhere. If you really want to prevent strikes, you must find out the root cause of them first of all——

(At this stage, the member having reached the time-limit, asked for a couple of minutes more and was allowed to proceed.)

I shall now say a few words as to why I am supporting this adjournment motion. As I have already said, the strikers sent a deputation

to wait on the Chief Minister, and as negotiations are proceeding, some of the Hon'ble Ministers feel that we are not justified at this stage in bringing this motion. Sir, the question of the grievances and demands of these 80,000 men on strike is entirely a different matter, as, I understand, those grievances and demands will be discussed in a conference of the Chief Minister, other Cabinet Ministers and the jute mill-owners. What I am driving at is quite a different aspect of the situation, namely, that this application of section 144 denies us the right to organise ourselves; the right to carry on a strike, when necessary; the right to express our opinion honestly. And it is for that reason that this adjournment motion is absolutely necessary. Before I conclude, I shall refer to another point. It has already been mentioned that we do not believe that any substantial progress or improvement can be achieved under the present Constitution. Sir, we, the socialists and Congress Labour Group, go further than that. We believe that under the present system of social order, that is, capitalism, no substantial and lasting improvement is possible. It is only when this order is smashed and a new order is established, when there will be no exploitation of man by man, when parasitic landlords will not be eating up most of the produce of the soil and when rich capitalists will not be getting fatter at the expense of the poor workers, then it will be possible to have a lasting and permanent improvement in the condition of the peasants and workers.

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, Dr. Nalinaksha ...ertainly deserved the thanks not only of the large labour ...n in and about the city but of the community in general ...ng forward his motion at this early stage of the inauguration ...-called reforms. Mr. Sibnath Banerjee has stressed the ... from the point of view of the workers, the large number of ... the mills near about Calcutta. He has pointed out that the ...ion of these orders under section 144 has been an affront to ...mate rights and privileges of the strikers who are involved ...ike of a widespread character. I am going to oppose and to ... promulgation of these orders on quite a different ground. It ...y the workers who have been victimised by these orders ...tion 144 but the community in general, the law abiding ...n general. They have been victimised, they have been ... they have been penalised by those orders. The orders are ... and shocking and have exceeded the widest limits of all ...orders under section 144 (hear, hear). Mr. Speaker, Sir, ...lawyer, a criminal lawyer of distinction, will readily realise ... purpose, what the intention of my attack is when I place ... the terms in which these orders are couched by the ... who have promulgated them. Let me place before you,

Sir, the terms of the orders which have been served on my esteemed colleague Mr. Niharendu Dutta Mazumdar:—

"From the information received by the police it appears that one Mr. Niharendu Dutta Mazumdar is coming to this subdivision with the avowed intention of fomenting a general strike of mill workers on April 1st. As April 1st is the date on which the new constitution of India comes into being it would appear highly dangerous to allow a strike of the jute mill workers to take place. Such intention to create a strike on April 1st argues some political intention liable to embarrass the administration at this particular time of general excitement." (Hear, hear): (shame: shame).

Yes, it is a matter of unutterable shame that the wide terms of section 144 have been sought to be utilised by a shameless executive for the purpose of strengthening their political position. They have outstretched the limits of all previous orders under this much maligned, much hated section 144. Sir, we have never heard before that section 144 could come handy to those who are feeling insecure in their political position. I do not know, Sir, that section 144 has ever been sought to be used by the wildest imagination of those bureaucratic masters of ours who have ruled before this blessed constitution came into operation and the so-called popular Ministers found themselves installed in their positions of power and dignity. I say, Sir, by the argument that their intention is to create a strike on April 1, the authorities who promulgated these orders are proceeding on the very insecure ground of the intention of the would-be victims of their orders. What is the intention? That intention "argues some political intention liable to embarrass the administration." Section 144 has got to be utilised for the purpose of saving the administration from political embarrassment. I do not know, Sir, what any conscientious and honest judge would think of an order of this character, arbitrary in its practice and outrageous in its purpose. Well, Sir, I know that with regard to orders such as those indicated in the opening speech of my esteemed colleague Dr. Nalinaksha Sanyal, the High Court has laid down the law in unmistakable terms. Dr. Sanyal has said that they are orders which have been promulgated by which all manner of public meetings in certain areas has been prohibited. When I heard him mention such an order, I recalled the classical judgment of Sir George Rankin by which he had castigated a similar order promulgated on a similar occasion—not on the occasion of a jute mill strike but on an occasion during those days of Civil Disobedience when political excitement ran far higher than it could possibly have run on the 1st April last among jute mill strikers. In those days the Commissioner of Police of Calcutta had thought fit to promulgate an order prohibiting all public meetings and processions in Calcutta, in consequence of which certain ladies in Burra Bazar who had taken out a procession were

arrested for violating that order.' They had deliberately violated that order and they were hauled up under section 188 of the Indian Penal Code and prosecuted. A conviction followed in due course by the Magistrate before whom the case was put up and the ladies were sent to jail. The matter was taken up to the High Court and it came up before Sir George Rankin. I had something to do in that case, and Sir George Rankin in a classical judgment which would go down in the history of criminal law in this country said that it was utterly illegal, and inconceivable that you could utilise the provisions of section 144, wide as they are, for the purpose of banning all manner of public meetings and processions irrespective of their character. That was certainly not contemplated by section 144, with the result that he set aside the convictions holding that such an order under section 144 was illegal and *ultra vires* of the Commissioner of Police. The result was that those ladies were released; and the further result was that the Government as it then was in those days finding out the precarious nature of their position under that notification issued by the Commissioner of Police forthwith decided to release 155 prisoners who had been convicted of violating this order which had been characterised by the Chief Justice as wholly illegal and *ultra vires*. They did not come before the High Court to challenge the conviction because they had pledged themselves not to defend themselves in a Court of Law in those days, but the Government acted promptly and released these 155 prisoners.

Now, Sir, if the authorities who are responsible for promulgating such a general order prohibiting all manner of processions and public ... in a particular area irrespective of their nature and character ... slightest idea of the law as laid down by the highest tribunal ... and with regard to this matter, they would not have ventured ... se their arbitrary powers in the manner they have utilised ... 144. What is more, Dr. Sanyal told us that some persons have ... dered to leave the place under section 144 which again is a ... outrageous, improper and illegal order.

...ble Mr. H. S. SUHRAWARDY: May I rise to a point of ... The speech of my learned friend on the opposite side makes ... clear that an order under section 144 is a judicial order and is ... executive order. When my learned friend speaks of the grossly ... -us character of the order passed outside Calcutta he is ... -ing a judicial order of a Court of Law with regard to which ... may appeal to the High Court or to any other tribunal which ... -d that order. This not being an executive order I do not think ... complaint under section 144 comes under the terms of the ... -ment motion which challenges only such orders as the Executive ... -ce.

Mr. SPEAKER: I am afraid the point of order which has been raised by Hon'ble Mr. H. S. Suhrawardy is quite wrong. It is quite true that an order under section 144 is an order which can go to a Court of Law but the very execution of that order as a part of carrying on the administration and its general effect is a matter which is a subject of discussion in this House. If any member refers to any particular case and shows it is wrong, then it is not within the purview of the adjournment motion but if he wants merely to point out the interfering character of the Administration by the exercise of such power, he is competent and I am afraid, the point of view of my friend Mr. Suhrawardy is quite wrong. (Hear, hear.)

Mr. SANTOSH KUMAR BASU: Without presuming to express any opinion upon your ruling, which I am debarred from doing, let me express our sincere congratulations on the way in which you have upheld the rights and privileges of this House. (Hear, hear.)

Sir, I was discussing when this interjection came in from the Hon'ble Minister for Commerce and Labour that this was an order which was promulgated in order to oust or exclude certain persons from certain areas. It is an illegal order inasmuch as it goes against the law. And I again recall with reverence the name of Sir George Rankin. He has held in the case of the late Mr. B. N. Sasmal who was served with a similar order with regard to his stay in Midnapore that you cannot certainly utilise the provisions of this order and ask a man to clear out with bag and baggage from a certain area, because he is to be provided with a railway ticket and the law does not provide for that. Therefore, Sir, the orders and powers are grabbed at by the executive—by an overwilling, over-anxious executive—for the purpose of enforcing the will of the authorities under the garb of section 144. That is certainly what has been done in this case.

We are in entire sympathy with the toiling workers in the jute mills. I ask you, Sir, to look at this point from a wider and more general point of view, from the point of view of the civil liberties of the subject at large. And from that point of view, this House, irrespective of the political complexion of the different groups and the different members, irrespective of their party attachments, or party affiliations, ought to rise to a man in condemning the procedure which has been adopted by the authorities. I appeal to the House through you that the civil liberties of the subject are in jeopardy. And on the inauguration of these reforms are we being introduced into an era where political capital is to be made and political use is to be made of the provisions of section 144! Let the House give its answer once and for all now that we are standing on the threshold of the so-called reforms. I ask you to be the guardian of the rights and privileges of this House, and let this House

be the guardian of the rights and privileges of the people of this Province. I do submit, Sir, that this House ought to accept this resolution with unanimity.

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, no Indian can or could have listened without pain to the instances given of the highhandedness of the executive and the police in regard to the victims. I agree with the proposer of this motion that the executive authorities in this country have trampled under foot the rights of Indians. It has been their habit while we all have been shouting and shouting to be treated even as ordinary human beings. I agree that the new constitution is not going to be the magic wand of a fairy queen which will alter the mentality of the executive. The executive is the leopard whose spots will perhaps take a very very long time to change. My friend, the proposer, has tried, in his own way to take advantage of the peculiar position that has arisen and denies the new Cabinet even the ordinary right, the time and the opportunity to study the situation. I would have waited just for a few days. Exploitation, capitalism and all sorts of socialistic and ultra-socialistic theories have been inflicted upon us. The speakers want to take a cheap advantage, and nothing more than that, of the situation before us. I would not consider myself an Indian if I did not sympathise with the strikers. The executive have insulted the Indians long enough, but why is this Cabinet, which is handicapped on all sides and which is being maligned in an indirect way by my friends opposite, not going to be given a chance to study the ...ation that has arisen? Are the sins of the parents going to be ...pon the children? If not, then what do these gentlemen in... ...ggest? The orders were passed before the change over, by ... ...idents of Police and Collectors who, as a rule, do not show ... ...e enough to understand the Indian mind, and their sins are ... ...be visited upon the present Cabinet. The strike has not yet ... ...ur friends have tried to take advantage of a technical point ... ...orward this motion for adjournment. Could I beg of them, ...ost humbly appeal to them that despite the mandate that they ... ...ave received for breaking this constitution if they must use ... ...o break the constitution, let it be a decent stick, let it be ... ... which will break the heads of even this Cabinet in a right ... ...r way. Give them a chance, let them study the position, and ... ... will be occasions when we too may join our friends on the ... ...ite and demand explanations of their conduct of affairs. I ... ...nt the strikers were received by the Hon'ble the Premier and ... ... also advised to meet the new Minister-in-charge of Commerce ... ...r. I think that it does show a change of heart and that does ... ...dication that things are going to be looked at in a more ... ...ay. As the old Persian saying goes "by the time we get the ... ...rom Iraq the poor snake-bitten person (here the labourer)

will die". What I would appeal to the Cabinet is that they should please go ahead as fast as they can and try and settle this question amicably. Do not let foolish Superintendents of Police and Collectors of districts ride rough-shod and cruelly over the rights of these poor strikers. We know that generally full justice is not done but I would appeal to my friends "Let us give the new Cabinet a chance. They have just got into the saddle and have not got into the stride. If they fail us then their fate lies in our hands."

Mr. NIHARENDU DUTTA-MAZUMDAR: Mr. Speaker, Sir, the adjournment motion before this House proposes to discuss a definite urgent matter of public importance, namely, the interference by the local executive authorities in connection with the jute mill strike. It is perhaps common knowledge by now that soon after the last elections were over, by the 2nd of February, the jute mill strike started in the district of Howrah and that strike unabated continued for over three weeks. In the course of that strike our present Hon'ble the Prime Minister had an opportunity of acquainting himself personally with the nature of the demands of those strikers, as he had the honour of presiding over one of the conferences which formulated their demands. It is also known that in the course of this strike orders have been promulgated in the district of Howrah prohibiting all meetings by the strikers, although no breach of peace or disturbance had taken place. If any disturbance had taken place, that happened not on account of any action on the part of the strikers, but on account of the provocative tactics and high-handedness on the part of the executive and the police. It is also public knowledge now that on the day when members of the Upper House were elected, several members from this House went to Howrah to investigate into the strike situation. The Premier was personally precluded from going there due to other engagements. But as soon as the hon'ble members were in Howrah, by beat of drums all meetings were prohibited. Thereupon, the hon'ble members went in a deputation to the District Magistrate in order to find out whether the strike could not be settled on honourable terms. I can give this House this astounding piece of information that the District Magistrate informed them that Howrah was likely to be converted into an armed camp if the strike went on. Suggestions were thereupon made whether the District Magistrate would recommend a settlement of the strike under the Trade Disputes Act and the reply given was that Government did not move on a single instance under the Trade Disputes Act and the local authorities did not think it necessary that they should move under the Act. This revealed the mentality of the executive. They would rather convert Howrah into an armed camp than set up a machinery under the Trade Disputes Act to settle the strike. The accepted code of behaviour for any civilised Government is to stand outside the ring and to let labour and capital fight out their case. If Government has any rôle to step in, it is to help the strikers, and it is in the

capacity of an arbitrator between labour and capital. But we find here that Government abandoned their rôle of mediators and of being impartial watchers outside the ring. They adopted the highwayman's method of doing things at the bidding of the local mill authorities. In jute mill strikes, especially during the last few strikes, we have always found that veritable gangster methods have been adopted against the labourers. We have found on each and every occasion the local authorities as the pocket boroughs of the jute mill employers, who go out with all the forces at their command and terrorise the strikers and render their lives unbearable. Instances of this nature have been cited by responsible members of this House. This was only the beginning of the present jute mill strike and right from February we have found that this has been the mentality of the executive. Without multiplying instances further, I may draw the attention of the House to these facts. In the course of the strike during the last few months, and even to-day, orders are being promulgated under section 144 in illegal manner in order to extern persons from their ordinary places of residence, preventing them from carrying out their legitimate functions and in order to prohibit meetings of all kinds. Searches and police raids have taken place in offices of responsible labour organisations, but no more incriminating documents have been seized than journals and papers issued under the authority of the Magistrates under the Press Act. Even these papers have been carried away and never returned. Between the dates of 19th March and 28th March I have here over six cases of house searches which have been made. In those cases there was not a single instance of prosecution or illegal papers seized. In th... ...fice of the Bengal Labour Party at No. 1, Kenderdine ... ...he locks were broken open when nobody was present and after a ... ...of hours when somebody arrived, the officer in charge asked the ... ...sign the search list and accept it as correct. Does the Public ... ... Act authorise the police to commit burglaries in this way? ... ...name of the Public Security Act this is exactly what is going ... ... this only is a minor illustration, I say deliberately a minor ... ...tion, of the public insecurity that has been created in the name ... Sir, I do not want to trouble you unnecessarily by citing the ... ...of all the people whohave been the victims of such orders in ... ...times. I have got only a few names with me, which by no ... ...form an exhaustive list. These names include Kamal Sarkar, ...y, Nani Gopal Mukherji, Promode Sen, Biswanath Dubey, ... Mukherji, Muhammad Ismail, Nityananda Chowdhury, Bepin ... ...arty, Muzaffar Ahmad, Rajani Mukherji, Gunada Mazumdar, ...Pramanik, Chuni Thakur, Dayaram Beri, Deben Sen, Balmdas ... ...ra, Ramani Chakravarty, Debatosh Das Gupta, Ashutosh Das, ...a Sarkar, S. A. Dange, R. S. Nimbkar, B. V. Karnik, the ... ...e being responsible and well-known labour leaders, much ... ...d in India, who had come to Calcutta only for about a week, ... also were victims to such an order. Then there are

Shoumendra Nath Tagore, Raghunath Singh, and Kalidas Bhattacharji.

Now, Sir, this only gives you a short list of those persons who have been victims of such an order—persons whose character as public men is unchallengeable, men who are respected by the electorates, who have sent the honourable members to this House to-day—men who are respected by the masses to whom the Hon'ble the Prime Minister is pledged to find their bread and freedom. These are the main organizers of Labour, and all of them have fallen victims to these orders. I think that, apart from these orders under section 144, Criminal Procedure Code, under Security Act, searches and other things, I might point out here that the Bengal Public Security Act has really been in force for over nearly eight months. We know that the Public Security Act was passed in view of movements subversive of law and order and offences prejudicial to public security. Soon after this Act was promulgated in Calcutta and in the suburbs, protests were made all over Bengal and in Calcutta, but no reason was given by Government why this Act was being promulgated. There were simply, perhaps, some vague suspicions. Though this Act, ever since, is in force to-day, not one single action had been taken under it until the last week of March and the beginning of April—the 1st of April, the day on which the All Fools' Constitution was imposed on India. On that day the police visited the houses of some members of this House with orders under section 144, Criminal Procedure Code, showing that that was the only serious thing that was left of the past administration and that all the rest, together with the Constitution, was nothing more than a mere joke! I might point out that during this period of six months there has been not the slightest evidence of any breach of the peace; nor have Government sought to prove the existence of any sort of emergency. It has not been necessary to take any action under the Public Security Act, nor has there been any threat to public security. And yet during this period there has been a Bengal-Nagpur Railway strike, jute mill strikes, and an election—all of them events of major political significance, which one would have expected to reveal the state of emergency if such a state really existed. We are, therefore, entitled to ask—Does this so-called potential emergency exist anywhere except in the minds of the police? If the Government cannot point to it, or if they can only point to a few arrests under the Press Act, a few "seditious" speeches, and a few searches for "dangerous" literature, then why this necessity of vesting sub-inspectors of police with the drastic powers of arrest and search and detention without trial that the Public Security Act gives them?

In this connection, Sir, I ask no question nor for any explanation from the Hon'ble the Home Minister here, because under the Government of India Act he has no power to compel even a sub-inspector of police to open his file before him——

Mr. SPEAKER: Mr. Dutta-Mazumdar, you are, I am afraid, going beyond your jurisdiction.

Mr. NIHARENDU DUTTA-MAZUMDAR: Sir, I was merely referring to a provision of the Government of India Act.

Mr. SPEAKER: I do not think that is relevant: all that is relevant in this connection is to show official and executive interference with the jute mills strike.

Mr. NIHARENDU DUTTA-MAZUMDAR: Now, Sir, these are the circumstances in which we are placed, and these are certain instances of the urgency that I have mentioned. I hope the House, if it is at all mindful of its own liberty, and faithful to its own pledge of working among the masses and organizing them, and striving for their bread and freedom, then this House must consider this question seriously and support this motion for adjournment. I fully sympathize with the present Cabinet here; they are only reaping the crop of the mischief and misdeeds of their predecessors, but at the same time I ask the question—and it is for them to answer it—whether the same policy will be continued or whether there will be a change of policy. Will they give this assurance? Can they give this assurance? This is the assurance which I ask of the Hon'ble the Prime Minister to give this House on behalf of the Cabinet, and which the members can take back to their constituencies.

I should say in conclusion that the urgency to-day relates to this that if when this House assembles next time, we are to dis- our duties to our constituencies, to the masses and the elec- in the country, we must be left free, with unrestricted liberty, on the task which our electorates and our constituencies have upon us.

Finally, Sir, I also ask the Hon'ble the Prime Minister and the ment to give protection to the laws which have been passed by mer Government in 1926 and 1929. The Trade Unions Act and de Disputes Act have been virtually nullified, and their pro- cannot be worked. What was given has been taken away by back door, and I ask whether, if the back door method continues, its will in the slightest degree benefit the labourers. Does this affairs amount to one of emergency? If the present policy is well and good: we shall welcome the change. And even if cy continues and no remedy is afforded, then also we shall less welcome it, because in that case we shall be marching for- wards revolution, and, obviously, the responsibility will lie with rnment, and it is the sacred duty of the revolutionaries to carry task. I ask the Chief Minister and the Government what

their duty is. We do not know what purpose was meant to be served by those who have promulgated and enacted these laws. We at any rate stand for our democratic rights and demand their fulfilment.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I have no doubt that the Hon'ble the Home Minister will be able to throw some light on the situation, but I do emphatically dissent from the remarks of some of the previous speakers that the restraint orders that have been objected to have been passed in pursuance of any general policy of Government directed against the interests of labour. I shall content myself with merely stating that Government deplore the continuance of the strikes and of the labour unrest. (MR. SANTOSH KUMAR BASU: Then, why not end it?) This Government has not yet had time to announce its policy with regard to labour matters; but Government has already taken it up for consideration, and within a very few days I hope to be in a position to announce it. Although I may not even at this stage give a general outline, I can assure the House that so long as I am in charge of the portfolio of Labour, Government will assist in settling industrial disputes and in bringing about a closer contact between the employers and the employees and in promoting the welfare of Labour. In working out this policy, I hope we shall have the assistance of the employers and the workmen and their representatives, as well as the support of this House.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, so long the House has been treated to only one side of the picture. I will now try to place the other side of the picture before the House, and I hope the members will kindly give me a patient hearing and not be carried away by what has been said by previous speakers. It is recognized in all civilized and democratic countries that strikes are legal and that labourers have got the right to strike for the sake of redress of their grievances, but in no country, Sir, are strikes permissible the object of which is political consideration and to bring about a state of chaos and disorder. (Cries of "Question" from Congress benches.) Sir, the strikes have continued for seven weeks now, and, so far, not one speaker from the opposite side has been able to point to any action of the executive authorities which has in any way prevented or compelled the strikers to give up the strike. The strike has been continuing, and no action of Government has forced the strikers to give up the strike. All the speeches—all the complaints—that have been made have so far been with regard to those people who have been restrained from delivering speeches or addressing meetings. (MR. JOGESH CHANDRA GUPTA: Union officials.)

Let me, Sir, first deal with the order under section 144 issued on the 1st April. This is the one thing against which a great deal has

been said, but I would like to point out to the House that the order under section 144 was issued on the 1st April on people who were going to jute mill areas with the object, apparently, of carrying on a "militant" *hartal*. (A VOICE FROM THE CONGRESS BENCHES: What is a "militant" *hartal*?) The Congress Socialist Group had published in the papers that they were going to have a "militant" *hartal* as distinct from the Congress who were going to have a "peaceful" *hartal*. (Laughter.) The policy behind the "militant" *hartal* of the Congress Socialist Group was to bring the workers in the jute mill areas into Calcutta and other towns and compel the transport workers, the motor-bus drivers, the tramway workers and others to stop work. Their object was "militant," viz., to stop the public utility services in the country. Under these circumstances, I think Government was fully justified, and I am sure every responsible member of this House will agree with me that it is the duty of Government to stop people from bringing about a situation which may lead to violence or disorder or which will prevent law-abiding people from carrying on their normal duties and activities. Therefore, Sir, with this object the orders were issued on the 1st April—not to stop any protests against the introduction of the Reforms but only to stop the "militant" *hartal*. And a proof positive of this is that no action was taken against Congress leaders, and Congress people were allowed to hold public meetings in the evening to protest against the new Constitution.

Now, Sir, let me take up in detail some of the allegations that have been made on the floor of this House.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister give the meaning of the word "militant"?

Hon'ble Khwaja Sir NAZIMUDDIN: I have already described the object behind the "militant" *hartal* was to force willing people to give up their work.

Dr. NALINAKSHA SANYAL: But certainly, Sir, there was no question of violence involved, even if it be granted that the workers were compelled!

MR. SPEAKER: Order, order. I think it is only fair that the Hon'ble Minister should be allowed absolute freedom of speech without interruption, as the Congress benches were allowed. It is but right that every side who may have something to say should be allowed to have the opportunity of saying so.

Mr. SIBNATH BANERJEE: May I rise on a point of information, Sir? Shall we be allowed to reply after the speech of the Hon'ble Home Minister?

MR. SPEAKER: Order, order. A point of order can only be raised when it arises from the speech itself, but a point of information can only be raised at the end of a speech, unless it be connected with the speech itself.

The Hon'ble Khwaja Sir NAZIMUDDIN: Now, Sir, let me place before the House another fact which, I am afraid, has been misrepresented again and again in this House—it is about Howrah. The strikes started in Howrah some time from the 2nd February; it continued for three weeks and no restraint orders were passed during that period; and I am sure Mr. Shibnath Banerjee will bear me out that as long as he continued negotiating with the District Magistrate and gave assurances that there would be no breach of the peace or disorder, no restraint order was passed on his movements or activities or against anybody. That shows that the local executive officer tried his level best to effect a compromise and I may also tell the House that Mr. Shibnath Banerjee tried his best and helped the authorities to keep peace. But when it was found that peace was no longer possible and that there was every danger to violence and rioting, it was then only that an order was promulgated against the assembling of more than five people. As Mr. Banerjee has himself admitted, he has been allowed to go there and no restraint order was placed on his activity. But in the Howrah area there have been riots, attacks on people, looting of shops, the burning down of a sirdar's house, throwing of brickbats at the mill gates at Fort Gloster. There was published a notice in which it was said—I am just giving you a summary—"People are begged to observe the strike. If any *sala* does not do it, then he will be hit on the head with a *lathi*," and then something else very obscene which I do not wish to repeat here. Sir, after that I may state that there was a riot in Fort Gloster on the 7th April—I believe—and the police had to intervene. The mere fact that so long there had been no disturbance shows that the action of the authorities has been justified because it has prevented excitement, it has prevented persons from being excited and riots and disturbances taking place. This, Sir, is a proof positive of the fact that because these orders were passed, in spite of the strikes continuing for seven weeks, there had been very few disorders. Is it not better to prevent riots, to prevent people from being shot down rather than allow illiterate people and poor labourers being exploited by people with a political object because as far as the economic question is concerned the strikers being stopped from work will be harmed if this fight with the mill-owners goes on. What we have done is to stop people who are known to be agitators, people who openly declare in this House that they belong to the Socialist Congress Group and are out to bring about a mass revolution and who would certainly preach this doctrine amongst the strikers. I would ask you to note what was the effect of

one such person amongst the strikers. I may inform the House that at one place one Fateh Singh by delivering one speech for 5 minutes managed to excite the strikers to such an extent that they took their *lathis* and immediately started looting shops in Howrah. They made a determined attempt to loot one of the rice mills, but were prevented by the police authorities. These meetings, or at any rate most of them, are held under a red flag—"The sickle and the hammer"—which is generally used by the Communist organisation. I place these facts before the House to show that some people would like to have communism in Bengal. Legitimate agitation by the labourers or labour unions no one either in the Government or in this House can take exception to. But some of the people who have been placed under these restraint orders have got past records where they have made violent speeches and the speeches were of such a character that action had to be taken against them and they had to be prosecuted and convicted. Under these circumstances I would ask the House whether it was not right that men with that past history behind them should have been allowed to go to areas where people were out on strike and were very easily liable to be excited and led to commit acts of violence. I feel, Sir, it is far better to allow the strikers to continue their strike peacefully and not allow people who would excite them to go to places where there was a likelihood of trouble and danger, because after all let me place before you the consequences of any serious riot, viz., the number of people who might be wounded, or loss of life, and then there would be another motion for adjournment in this House because firing had to be resorted to. Therefore, Sir, I think that Government and the executive authorities have tried their level best to keep the strikers from political interference by keeping outside people out and restricting them from interfering with the strikers in any way.

Sir, as far as my sympathy with the poor strikers is concerned I yield to none in that matter. I may say that I have given practical demonstration of my sympathy with the poor masses by my actions. I am sure the House will agree that while I hold this view I would like to see peace maintained and there should not be any loss or firing or shooting down of innocent people.

Mr. SANTOSH KUMAR BASU: Peace on earth and goodwill among men.

The hon'ble Khwaja Sir NAZIMUDDIN: Sir, I hope the hon'ble member who believes in the dictum he quoted will act according to it. As regards the complaints about orders under section 144, I submit that every one of those affected by those orders could have gone to the High Court for a revision. If anybody has any legitimate grievance they could have gone to the High Court and have these

orders cancelled like the famous Justice Rankin's order which was quashed. There was no attempt made of moving the High Court.

As for my friend Mr. Jalauddin Hashemy, he has himself given his case away by saying that he is temporarily law-abiding. Unfortunately, he did not inform the Government that he had become law-abiding.

Mr. JALAUDDIN HASHEMY: Sir, on a point of information, may I know if I have been victimised for my past conduct?

The Council was then adjourned for 15 minutes.

(After Adjournment.)

Mr. SPEAKER: I think the Hon'ble the Chief Minister will speak a few words. If not I would call upon the mover to reply.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I will not attempt either to criticise or justify the action of the executive authorities with regard to the recent strikes. I rise with the olive branch of peace which I offer to my friends opposite and ask them to accept the assurance which I am giving them in the spirit in which I am coming forward to meet their wishes. I suggest, Sir, that my friends would meet me and my hon'ble friend Mr. Shaheed Suhrawardy at a small conference where it will be possible to discuss the various questions from all points of view and arrive at a definite settlement as to what the policy should be in order that we may be in a position to define and decide Government policy generally regarding labour. I think, Sir, the problems confronting us are not absolutely incapable of solution. After all, instances of labour unrest are not confined to India. At the present moment they are symptomatic of a movement in which the poor are trying to free themselves from their thraldom under the rich, in which the labourers are trying to get some kind of relief from the employers of labour. It is after all a portion of the immemorial conflict which for ages has been going on between the employer and the employed, between capital and labour, between vested interests and those who want to free themselves from all kinds of vested interests; but at the same time it is possible to take a dispassionate view of things and to try and focus attention on essentials and leave aside the absolutely unessential portion which in all human organisms sometimes cloud the real issues and make it impossible for either governments or any kind of administration to act entirely according to the manifestations of popular will. I need hardly emphasize the point that there is not one single member in this House, official or non-official, Indian or European, who does not feel sincerely sorry that these strikes are becoming so increasingly

frequent and that the calm and placid atmosphere which usually prevails in mill areas is sometimes disturbed by these strikes and consequent promulgation of orders by Executive Authorities. My friends on my left know very well that Ministers who are sitting on the treasury benches at the present moment are persons who have been their comrades in all agitations regarding labour movements and personally, I confess, Sir, that for the last 15 years I have been in some way or other connected with labour movements and similar movements in the country and on one or two occasions my activities tended to take me very dangerously near the dividing line between law and disorder; but all the same I have felt and sincerely felt that the one thing that is needful in Bengal is for Government to face the situation and decide upon a definite course of policy in consonance with popular wishes and in accordance with the requirements of efficient administration. I feel, Sir, that my friends on the left may well remember that although we are just for the moment separated from one another physically by a small bench that exists between them and ourselves, mentally many of us are of the same attitude as they themselves are towards all movements calculated to bring relief to our countrymen. Our limitations are many and varied. Many of my friends in their speeches have referred to the 1st April, the All Fools' Day, and I wonder whether they really feel that the mere fact that the Constitution was inaugurated on the 1st April is something that can be an obstacle towards taking rational view of things. But I can tell them at the very outset without going far to the matter that we are determined to show that in taking office under the new Constitution we are mindful of our responsibilities and will do our level best to try and carry on the everyday work of administration in accordance with the wishes not merely of the members of this House but of the great community which they

MR. SPEAKER: The two hours allotted for the discussion of the motion have elapsed and the debate automatically terminates. I understand there are one or two members who would like to speak on the motion of the Deputy Speaker.

Felicitations to the duly elected Deputy Speaker.

BEGUM JAHANARA SHAHNAWAZ: Mr. Speaker, Sir, I permit me to offer, on behalf of the women members of this House, our heartiest congratulations to Mr. Ashraf Ali who has just been elected as the Deputy Speaker of the House.

In connection, permit me Sir, to add a few words more. This is the first time in the political history of British India, that we

women, whose existence to the outside world, has hitherto been a mere matter of inference, have been allowed the privilege of associating ourselves with the wider interests of the country other than those connected with our hearth and home. No function in an Indian home is regarded as complete which has not had the blessings of the women members of the household. On this theory, I feel, that yesterday when you, Sir, were elected to the Speaker's Chair, tributes of felicitations should also have come from the women members of this House. I confess, that I feel guilty that I missed the opportunity of adding our contribution of felicitations on your election as the Speaker of the Bengal Legislative Assembly. But believing as I do in the wisdom of the saying "Better late than never," I beg to offer you, Sir, on behalf of the women members, our heartiest congratulations on your well deserved election to the exalted Chair. To many of our colleagues here, you are no stranger. First as a member of the previous Council and then as a Minister of the previous Government you had already made your mark. Knowing you as we do, we are sure, that you will command the confidence of the whole House, and will carry out the austere duties of your office in the most satisfactory manner.

May we not, Sir, express the hope, that, despite the austerity which is associated with the Chair, you will extend to us, the women members, that indulgence and latitude which have come to be regarded as the legitimate dues of the weaker sex. On our part, we wish you, Sir, the best of luck and success in this new office of yours.

We congratulate you, Sir, and the Deputy Speaker once more.

Mr. TULSI CHANDRA GOSWAMI: On behalf of the Congress party, Mr. Speaker, I offer the newly elected Deputy Speaker our sincere felicitations. I am going to be very brief, because the hour is late; but let not the brevity of my remarks be construed as indicating any lack of warmth on this side of the House. You, Sir, have been elevated to a far more exalted office, and your office is far more onerous; but the Deputy Speaker's office I venture to say is also one of responsibility. There is one difference between your and your deputy's translation to your respective offices and the transformation which we notice today taking palce in those who have translated in another way. My esteemed friend Mr. Abdur Rahman Siddiqi in the course of a previous debate this afternoon said that a leopard does not change his spots. Well, Sir, I had occasion to feel soon after, in the course of two speeches from the Treasury benches that when sheep have to appear as leopards they put them on. But the case is different with the Speaker and the Deputy Speaker. They need not lose their contact with their fellow members, and I hope that in the discharge of your high and responsible duties you and your deputy will uphold fine traditions and in fact create traditions of which both you and we shall be proud.

Babu JATINDRA NATH BASU: On behalf of the members on this side of the House I join with the previous speakers in offering our hearty felicitations to the Deputy Speaker on his election. At this late hour I do not desire to add anything to what has already been said but because my speech is short I assure the Deputy Speaker that our regard for him and our pleasure at his election is none the less.

Mr. J. N. GUPTA: On behalf of the Praja Labour party I congratulate the Deputy Speaker. We expect similar treatment from him as we expect from the Speaker. There will be various complications and implications in our movements and I hope the Praja Labour party's views will not be ignored in arriving at your decision.

Mr. M. SHAMSUDDIN AHMED: On behalf of the Krishak Praja Assembly party I offer our most hearty congratulations to the newly elected Deputy Speaker in this House. We know your position is an onerous and difficult one but not the less will be the position of the Deputy Speaker. I need not dilate very much now at this late hour on the position of the Speaker in offering our felicitations and congratulations to the Deputy Speaker. I only offer our warm congratulations to the Deputy Speaker on his election.

Mr. ERIC STUDD: On behalf of the European group I offer our congratulations and good wishes to the Deputy Speaker on his election to that high office. At this late hour I do not propose to say more than one or two words. I feel sure that he will know without my saying so [illegible] can always count on the same co-operation and support from the [illegible] group which I assured you yesterday we should always give [illegible] air.

[illegible] on'ble Mr. A. K. FAZLUL HUQ: On behalf of my colleagues [illegible] behalf I offer our sincerest felicitations to the newly elected [illegible] peaker and we hope that you, Mr. Speaker, and the Deputy [illegible] together will as occasion arises, work in co-operation in up- [illegible] the best traditions of the Chairs to which you have been [illegible] ly called.

[illegible] EM CHANDRA NASKER: On behalf of my party I con- [illegible] you and the Deputy Speaker.

[illegible] W. CHIPPENDALE: May I associate myself and my [illegible] all that has been said in felicitating and in congratulating [illegible] Speaker. I may add that in view of the long long friend- [illegible] we bear to each other I have the greater pleasure in offering [illegible] tions to the Deputy Speaker on his election. Therefore I

on behalf of myself as well as the Anglo-Indian and Indian Christian groups offer my best and warmest congratulations to him.

Mr. PULIN BEHARY MULLICK: Sir, I also join in the chorus of felicitations that have been going on in this House. So long we were opponents, but henceforth we shall be the best of friends. With these few words I resume my seat.

Mr. M. ASHRAFALI: Sir, I most sincerely thank my friends who have this afternoon done me the honour of electing me as their Deputy Speaker. It is no small honour to be the Deputy Speaker of this House. Let me assure my friends that I shall always make honest effort to uphold the traditions of the Chair and to carry out the duties that will be entrusted to me. The responsibility attached to the Chair is very great and the duties onerous. Although the occasions may be very few and far between when I may have to occupy the Chair, but when I do occupy it, I hope I shall have the support and co-operation of all my friends in carrying out my duties. I thank you again for the honour that you have bestowed on me this evening.

Prorogation.

Mr. SPEAKER: I have it in command from His Excellency the Governor that the Assembly stands prorogued.

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